



# NVRA Background and Policy

Office of  
Montana Secretary of State  
Linda McCulloch  
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Meeting



# What is "NVRA"?

- Congress enacted the National Voter Registration Act of 1993 (also known as the "NVRA" and the "Motor Voter Act"), to enhance voting opportunities for every American. The Act has made it easier for all Americans to register to vote and to maintain their registration.
- The NVRA allows the Department of Justice to bring civil actions in federal court to enforce its requirements.



# When does NVRA List Maintenance begin?

- It normally starts in January of every odd-numbered year.
- It is completed early in the odd year and the SOS recommends that it be completed no later than the middle of March in each odd year.
  - By law, must be completed at least 90 days before the June primary in each even year.



# Why is List Maintenance required?

- NVRA includes a requirement for list maintenance.
- Montana law, 13-2-220, MCA, was enacted to ensure compliance with NVRA.
- The NVRA list maintenance process:
  - **confirms** whether voters have moved;
  - **prompts** them to update their registration; and
  - allows election administrators to **remove** people who do not respond to confirmation mailings and subsequently fail to vote in two federal general elections.



# Who are the voters affected?

- Only **active** electors are affected.
- Note: Inactive electors have already been sent the required mailings and failed to respond and will either activate or will be removed after two federal general elections after the mailings are sent.



# Where can we find the NVRA confirmation mailing forms?

- See the online forms list at

<http://sos.mt.gov/Elections/Officials/Forms>

## **NVRA Forms**

[NVRA First Confirmation Notice](#)

[NVRA Second Confirmation Notice](#)



# Who gets the **first** mailing?

- Electors who did not vote in the preceding federal general election.
- Section 13-2-220, MCA provides other options for types of voters/nonvoters (including utilizing NCOA or door-to-door canvass), although these are rarely used.



# What about absentee voters?

- If an individual applies for an absentee ballot, but does not return that ballot, that absentee voter does not go into the NVRA process.
- Such a voter receives voting credit for the purposes of NVRA even though the ballot was not returned.





# What about absentee voters?

- This is because the purpose of the NVRA process is to keep the voter file updated with current voter information.
- By applying for an absentee ballot, a voter is confirming his or her address, and the fact that the voter does not return the ballot does not make the voter subject to inactivation per NVRA because the voter has indicated the voter is still an active voter in your county.



Are these first mailings forwardable or non-forwardable? Do counties pay return postage on these first mailings?

- The first mailings can be either forwardable or non-forwardable, at the county's option.
- Counties are not responsible for return postage on the first mailings.



# What are the possible outcomes after sending the first notice?

- Voter confirms address in the county
- Voter lists a residence address outside the county
- Voter cancels voter registration (and/or county receives notice that elector is deceased)
- Voter does not return the form or form is undeliverable



# What should county election officials do after the first mailing?

- Voter confirms address in the county
  - **County action: leave as Active Voter**
- Voter lists a residence address outside the county
  - **County action: cancel voter if voter requests cancellation in your county**
- Voter cancels voter registration
  - **County action: cancel voter**
- Voter does not return the form/form is undeliverable
  - **County action: send second (forwardable) mailing**



## How long should a county election official wait after sending the first notice to send a second?

- After you send the first notice, wait 30 days and send the second notice to voters who do not return the notice or to whom the first notice is undeliverable
- If the elector fails to respond within 30 days to the second notice, move the elector to the inactive list



# Who gets the **second** mailing?

- Only those who did not respond to the first mailing, or whose first notification was returned as undeliverable, are sent the second mailing.

**SECOND  
NOTICE**



Are these second mailings forwardable or non-forwardable? Do counties pay return postage?

- The second mailings are always sent by forwardable mail.
- Counties are responsible for return postage on the second mailings.



# What should county election officials do after the second mailing?

- Voter confirms address in the county
  - **County action: leave as Active Voter**
- Voter lists a residence address outside the county
  - **County action: cancel voter if voter requests cancellation in your county**
- Voter cancels voter registration
  - **County action: cancel voter**
- Voter does not return the form/form is undeliverable
  - **County action: put on inactive list 30 days after mailing of 2<sup>nd</sup> notice**





# What NVRA mailing information do I need to collect for the federal survey?

- See <http://sos.mt.gov/Elections/Officials/documents/Federal-Survey-Questions.xlsx>

NVRA NOTICES	FIRST NVRA NOTICES	SECOND NVRA NOTICES	
How many NVRA notices did you send:	1000	700+	<b>&lt;---These NVRA mailings should all be tracked during the odd year in which they are sent out.</b>  <b>Please report these totals to <a href="mailto:soselections@mt.gov">soselections@mt.gov</a> 30 days after sending the 2nd NVRA notice.</b>
How many resulted in the elector <b>confirming</b> registration:	200	200	
How many resulted in the <b>elector's registration being cancelled</b> at the elector's request (also including cancellation requests due to death):	100	100	
How many were returned <b>undeliverable</b> :	500	500	
How many were <b>never returned</b> :	200*	200*	
How many resulted in <b>other</b> outcomes, if any (describe):	0	0	

\*Usually, this total is the total of Undeliverable first notices **added to** the total Never Returned first notices

\*Usually, the total of Never Returned is the total sent **minus** Confirmations, Cancellations, and Undeliverable



# What NVRA mailing information do I need to collect for the federal survey?

- Please track the totals as you complete each step of the NVRA process.
- We are not yet able to track all NVRA totals in MT VOTES, especially in cases in which undeliverable NVRA confirmations are not receipted in.
- Therefore, counties should as always track the NVRA totals as the NVRA confirmations are sent and received (or not received, as the case may be).



# Handling Inactive Electors

Action	Applies to Inactive Electors?
Reactivate <u>and</u> vote at the polls for a <b>federal</b> election	Yes
Reactivate <u>and</u> vote at the polls for a <b>non-federal</b> election	Yes
Include inactive voter on precinct register for <b>federal</b> election	Yes
Include inactive voter on precinct register for <b>municipal</b> election	Yes
Include inactive voter on precinct register for <b>school</b> election	Yes
Include inactive voter on precinct register for <b>other non-federal</b> election	Yes
<b>Sign</b> statewide petitions (initiatives, recall) or local petitions (7-5-136, MCA)	Yes
Serve <b>jury duty</b>	Yes
Must be sent <b>Voter Information Pamphlet</b>	No
Sent ballot in <b>mail ballot election</b>	No

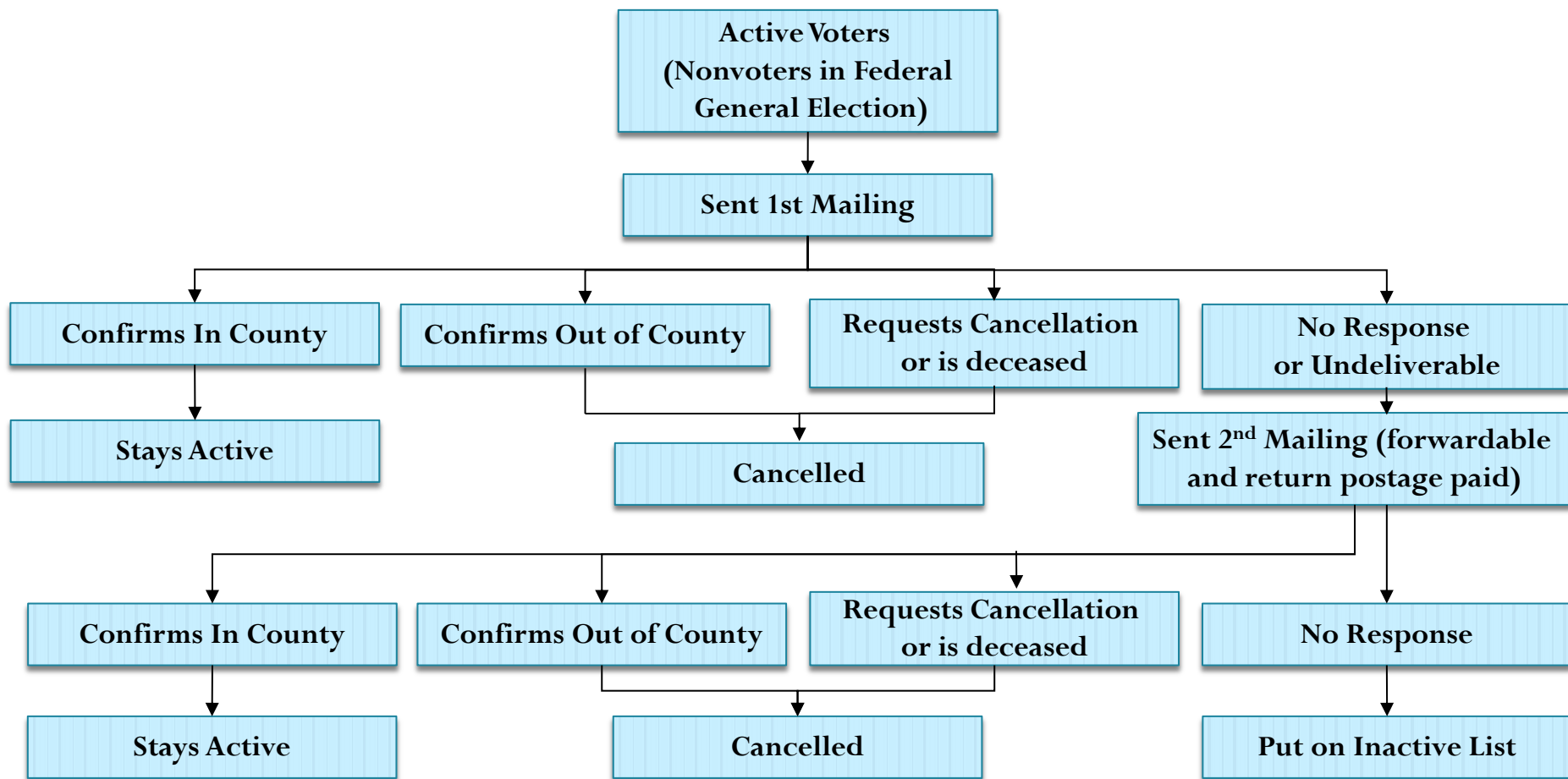


# What do mail ballot elections have to do with NVRA list maintenance?

- If the ballot of an elector in a **mail ballot** election is returned **undeliverable**, the election administrator must mail a confirmation notice to the elector that follows the requirements for a second NVRA notice – it must be forwardable, first-class, return postage prepaid, and return-addressed.
- If the notice is returned **undeliverable** to the election administrator, the elector is placed on the inactive list. However, lack of response in a mail ballot election does not inactivate an elector!



# NVRA List Management Process Overview





# 2015 NVRA Directive (top section)

## ADVISORY ON THE PROCESS OF INACTIVATION AND CANCELLATION OF REGISTERED VOTERS PURSUANT TO THE NATIONAL VOTER REGISTRATION ACT (NVRA)

#A01-11

Updated February 9, 2015

Notices must be sent by county election administrators in every odd year to **active electors** who did not vote in the previous even-year federal general election. The SOS recommends that the NVRA process for 2015 be completed **no later than April 17, 2015** so that if possible electors who did not vote in the 2014 general election and who do not respond to the NVRA mailings are not mailed ballots for the 2015 school elections.

- An elector who requested an absentee ballot, but **did not return the voted ballot**, is not subject to the NVRA process described in this advisory.
- Include voters covered under UOCAVA in your 2015 NVRA mailings if they did not make a request for an absentee ballot that was in effect for the 2014 federal general election. **Do not** include them if they did make a request for an absentee ballot, but did not vote.
- An elector whose absentee ballot was returned as **undeliverable**, and who **did not resolve the address problem**, is subject to the NVRA process described in this advisory.
- Inactive electors may still vote in any election by appearing to vote, by requesting an absentee ballot, or by notifying the county election administrator in writing of the elector's current residence in that county.



# 2015 NVRA Directive (bottom section)

## Procedures for 2015 NVRA Process

1. Cancel electors who were inactivated in 2011, and have had no activity since. This step must be done before you begin the 1<sup>st</sup> notice process.
2. Send a first confirmation notice to active electors flagged for not voting in the 2014 federal general election.
3. After 30 days, a second confirmation notice is sent *forwardable* to all electors who do not respond to the first mailing. The second confirmation notice must include prepaid return postage.
4. All electors who do not respond within 30 days to this final forwardable address confirmation notice are moved to the inactive list.

*Training on how the NVRA process works in MT Votes can be accessed at:*

<http://www.sos.mt.gov/elections/Officials>

*NVRA forms can be found at:* <http://sos.mt.gov/Elections/Officials/Forms/index.asp#NVRA>



## What if it is not possible to complete the NVRA process before mailing ballots for May elections such as the school elections?

- Since mailings are going out in February, and since counties are directed to wait 30 days after each notice, it will likely be until at the earliest mid-April (60 + days) until the second 30-day period is complete.
- Therefore, we recommend that county election officials do not inactivate electors until after the May 5 elections (unless you can complete the process before you have to print labels for school ballots, or unless the school election is a poll election). Unless the elections are not held for any reason provided by law, this will require sending mail ballots in May to electors, even if they are in NVRA 1<sup>st</sup> or NVRA 2<sup>nd</sup> status at the time you mail ballots.